



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : HO
Appln. No. : 10/622,562
Conf. No.: : 4794
Filed: : July 18, 2003
Title: : HEADGEAR FOR USE WITH A PATIENT INTERFACE
DEVICE
Group Art Unit : 3743
Examiner : Patel, Nihir B.
Docket No. : 01-12

COPY

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1 May 2006

**DECLARATION UNDER 37 C.F.R. § 1.132
TO DISQUALIFY COMMONLY OWNED PRIOR ART**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Peter Ho, hereby declare that:

1. I am named as an inventor of U.S. Application Serial No. 10/622,562 (hereinafter "the '562 Application").
2. I am also a named inventor on U.S. Patent No. 6,805,117 to Ho et al. (hereinafter "the '117 Patent").

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on 1 May 2006 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EL 997383821 US.

Richard J. Coldren

Richard J. Coldren, Reg. No. 44,084

3. I am informed and believe that the '562 Application and the '117 Patent are both currently owned by the same party, RIC Investments, Inc.

4. The inventorship of the claims of the '562 Application is correct in that the claims are directed to subject matter that was derived by me, and not from any other individual who has been named as an inventor in '117 Patent. As the inventions recited in the claims of the '562 Application, but not claimed in the '117 Patent, were derived by and may be attributed to me, they are not inventions "by another."

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 28 day of April, 2006.



Peter Ho